

**IN THE DRAWINGS**

Figures 12-15 have been objected to because they should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.

Applicant respectfully submits herewith under separate cover three (3) sheets of replacement drawings to substitute for the originally filed drawings. Figures 12-15 have been amended to include the legend "Prior Art", as suggested by the Examiner in the Office Action. Accordingly, Applicant has amended Figures 12-15 to overcome the objections.

**REMARKS**

**Summary of the Office Action**

The Office Action indicates that the title of the invention is not descriptive and requires a new title which is clearly indicative of the invention to which the claims are directed.

Figures 12-15 have been objected to because it should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.

Claims 3 and 4 are objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of the previous claim.

Claim 2 stands rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over the acknowledged prior art of figures 12-14.

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to claim 2 above, and further in view of acknowledged prior art of Japanese Patent No. 11-054949.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to claim 2 above, and further in view of Official notice.

Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the allowance of claim 1.

**Summary of the Response to the Office Action**

Claims 1-13 are pending for consideration. Claims 6 and 7 have been amended to place them in independent form, including the limitations of all intervening claims. Claims 1 and 5 have been amended to correct minor grammar and syntax errors. Claims 2-4 has been amended to further define the invention. Claims 9-13 have been added.

**Objections to the Title, Claims, and Drawings**

The Office Action indicates that the title of the invention is not descriptive and requires a new title which is clearly indicative of the invention to which the claims are directed. The title has been amended to be "AN IMPROVEMENT TO THE CLAMPER PLATE OF A DISK PLAYER."

Figures 12-15 have been objected to because they should be designated by a legend such as

--Prior Art-- because only that which is old is illustrated. The drawings have been amended to overcome the objections indicated in the Office Action.

Claims 3 and 4 are objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of the previous claim. Claims 3 and 4 have been amended to have structural limitations in order to overcome the objections.

Claims 6 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6 and 7 have been put into independent form to overcome this objection.

**The Rejections under 35 U.S.C. § 102(b)**

Claim 2 stands rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over the acknowledged prior art of figures 12-14. Applicant respectfully traverses the rejection of the claim as amended.

Claim 2 has been amended to replace the previously recited feature of “a reinforcement portions in which formed by folding up both side edges of the clamber plate” has been replaced with “the side edges of the clamber plate [being] closely folded so as to be overlapped with the plate, thereby forming reinforcement portions.” This feature is not disclosed or suggested in either the acknowledged prior art of Figs. 12-14 or in Japanese Patent No. 11,054949. The Office Action’s interpretation of the phrase “folding up both side edges” differs from the meaning in the Application. In particular, the Office Action seems to imply that the phrase “folding up” in claim 2 can be replaced with “bending upwardly.” The Applicant believes that the new language will clear up any confusion as to what is meant.

For at least this reason, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over the acknowledged prior art of figures 12-14 be withdrawn.

**The Rejections under 35 U.S.C. § 103(a)**

Concerning claims 3 and 4, although the Office Action states that “it is obvious to one of ordinary skill in the art to coil, increase the # of turns, of the peripheral edges in order to increase the strength thereof,” no documentary evidence for this assertion is provided in the Office Action. Consequently, Applicant traverses the rejection on this basis. (*See, e.g.*, MPEP §

2144.03(C).) Applicant further asserts that claims 3 and 4 are in condition for allowance based on their dependency from claim 2.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to claim 2 above, and further in view of Official notice. Applicant respectfully requests that the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to claim 2 above be withdrawn based on the fact that claim 5 depends from claim 2.

Yet another reason for withdrawal of the rejection of claim 5 is that the cited prior art does not describe or suggest the limitations of “an annular reinforcement projection formed by partially bending the clamper plate in a downward direction and surrounding the periphery of the guide hole; and linear reinforcement projections extending from the annular reinforcement projection toward both ends of the clamper plate” recited in claim 5. The Office Action states that “the presence and use of winged/flanged grommets to reinforce annual openings is considered well known, and Official notice is taken thereof.” However, no such limitations are present in claim 5. In any event, “Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted are well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration of being well-known.” (MPEP § 2144.03(A).)

For at least these additional reasons, Applicant respectfully requests that the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to claim 2 above, and further in view of Official notice be withdrawn.

For at least the above reasons, Applicant submits that claim 1, independent claim 2 and its dependent claims 3-5, independent claim 6 and its dependent claims 9-10, and independent claim 7 and its dependent claims 8 and 11-13 are in condition for allowance. Allowance of claims 1, 2, and 5-13 is earnestly solicited.

### **CONCLUSION**

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: March 15, 2007

By:



Kent Basson

Registration No. 48,125

**CUSTOMER NO. 009629**

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

202.739.3000